

EDUCATION AND LABOR CABINET
Education Professional Standards Board
(Amendment)

16 KAR 9:100. Alternative Route to Certification Institute.

RELATES TO: KRS 161.028, 161.030, 161.048, 34 C.F.R. 300.156 (c)(2)

STATUTORY AUTHORITY: KRS 161.028, 161.030, 161.048(1)(e)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.048(1)(e) requires the Education Professional Standards Board (EPSB) to promulgate administrative regulations establishing standards and procedures for the Alternative Route to Certification Institute and the approval criteria for these programs. This administrative regulation establishes the required elements of the alternative route to certification and the application review process.

Section 1. Institute Providers.

- (1) A provider not currently accredited by the EPSB in accordance with 16 KAR 5:010, may demonstrate a partnership with an institution of higher education accredited by the EPSB and a school district or cooperative recognized by the Kentucky Department of Education.
- (2) A provider shall submit an application to the EPSB in accordance with the Guidelines for Submitting an Application to Provide an Alternative Route to Certification Institute (Option 7).

Section 2. Application Review.

- (1) An application to provide an alternative route to certification institute shall be submitted to EPSB staff.
- (2) EPSB staff shall complete an initial review to ensure that the application addresses the requirements of KRS 161.048(8) and the Guidelines for Submitting an Application to Provide an Alternative Route to Certification Institute (Option 7).
 - (a) If EPSB staff determines that the application addresses the requirements of this subsection, the application shall be forwarded to an external review team.
 - (b) If EPSB staff determines that the application does not address all the requirements of this subsection, staff shall notify the provider of the deficiencies.
- (3) An external review team of trained reviewers appointed by EPSB pursuant to subsection (4) of this section, staff shall review the application in accordance with KRS 161.048(8) and the Guidelines for Submitting an Application to Provide an Alternative Route to Certification Institute (Option 7).
- (4) The external review team shall be comprised of:
 - (a) One (1) representative from an EPSB accredited postsecondary institution;
 - (b) One (1) representative from a Kentucky education cooperative; and
 - (c) One (1) representative from a Kentucky public school district.
- (5) The external review team shall review the application to provide an alternative route to certification institute and determine the quality of the application based on compliance with subsection (2) of this section. The review team shall recommend acceptance or denial of the application to the EPSB and shall include a supporting rationale for the recommendation.
- (6) The EPSB shall review the external review team's recommendation, shall approve or deny each application, and shall transmit the decision and rationale for the decision to the provider.
- (7) The provider may revise and resubmit a plan that has been denied.
- (8) Any approval granted by the EPSB shall specify the period of approval of the institute, which shall not exceed two (2) years for initial approval. A provider may apply for an extension of approval as established in Section 3 of this administrative regulation.

Section 3. Continuance of Program Approval.

- (1) An institute provider may apply for continuance of an approved alternative route to certification institute for an additional period of time not to exceed seven (7) years. The request for continuance shall specify any changes in program components that have occurred since the institute received prior EPSB approval and that are planned for implementation in subsequent training periods.
- (2) The request for continuance shall provide specific examples of demonstrating program quality as established in this section and the application required by this administrative regulation. The request for continuance shall include statistical information related to teacher retention for all prior candidates who have completed the institute. Standards for program approval established under this administrative regulation shall be maintained under any program extension.

Section 4. Revocation for Cause.

- (1) If an area of concern or an allegation of misconduct arises after an institute has been approved, staff shall bring a complaint to the EPSB for initial review.
- (2) After review of the allegations in the complaint, the EPSB may refer the matter to the external review team for further investigation.
- (3)
 - (a) Notice of the EPSB's decision to refer the matter and the complaint shall be sent to the provider.
 - (b) Within thirty (30) days of receipt of the complaint, the provider shall respond to the allegations in writing and provide information pertaining to the allegations in the complaint to the EPSB.
- (4)
 - (a) The external review team shall review any evidence supporting the allegations and any information submitted by the provider.
 - (b) The external review team may conduct on-site evaluations to evaluate the quality of the program.
 - (c) Upon completion of the review, the external review team shall issue a report recommending to the EPSB continued approval of the institute or revocation of institute approval if the institute no longer meets the standards and requirements for approval established in this administrative regulation.
- (5) The provider shall receive a copy of the external review team's report and may file a response to the recommendation.
- (6)
 - (a) The recommendation from the external review team and the provider's response shall be presented to the EPSB.
 - (b) The EPSB shall consider the findings and recommendations of the external review team and make a final determination regarding the approval of the institute.

Section 5. Reconsideration.

- (1) If a provider seeks reconsideration of an EPSB decision, the provider shall submit a request within thirty (30) days of receipt of the EPSB official notification. A provider shall submit the request on the grounds that:
 - (a) A prescribed standard was disregarded;
 - (b) A procedure was not followed; or
 - (c) Evidence of compliance in place at the time of the review and favorable to the provider was not considered.
- (2) A panel of no fewer than three (3) members shall be appointed by the EPSB chair from members of the EPSB who do not have a conflict of interest regarding the provider or institute. The ad hoc committee shall recommend action on the request to the full EPSB.

Section 6. Data Reports.

- (1) The EPSB shall maintain data reports related to:
 - (a) Approval status of all EPSB approved Option 7 programs;
 - (b) Contact information for the person responsible for the institute;
 - (c) Year of last program review;
 - (d) Tables relating the institute total enrollment disaggregated by ethnicity and gender for the last three (3) years;
 - (e) Tables relating the institute faculty disaggregated by the number of full-time equivalents (FTE), ethnicity, and gender for the last three (3) years;
 - (f) Table of the number of program completers for the last three (3) years;
 - (g) Table relating pass rates on the required assessments;
 - (h) Table relating program completer satisfaction with the preparation program; and
 - (i) Table relating new teacher (under three (3) years) and supervisor satisfaction with the preparation program.
- (2) A provider shall report to the EPSB staff at the end of each school year continuous improvement efforts relating to the institute.

Section 7. Temporary Provisional Certificate.

- (1) An eligible candidate who meets the requirements of KRS 161.048(8)(a)~~[1. through 4.]~~ and 16 KAR 2:010, Section 3(1), shall be issued a one (1) year provisional teaching certificate.
- (2) The candidate shall apply to the EPSB and provide:
 - (a) Official transcripts of all college work undertaken by the candidate establishing proof of a bachelor's degree or graduate degree and grade point average; and
 - (b) ~~[Proof of a passing score on the admission assessments as established in 16 KAR 5:020, unless the applicant holds a terminal degree;]~~
 - ~~[(c)] [Proof of a passing score on the academic content assessment, as established in 16 KAR 6:010, in the area in which certification is being sought;]~~
 - ~~[(d)]~~ Verification by the institute provider of enrollment in an EPSB approved institute~~[completion of half of the requisite institute hours; and]~~
 - ~~[(e)] [Evidence of employment in a Kentucky school district or regionally or nationally accredited nonpublic school in the content area of the certification.]~~
- (3) A candidate shall be eligible for first renewal of the temporary provisional certificate upon application to the EPSB, compliance with 16 KAR 2:010, Section 3(1), and verification~~[-]~~
 - ~~[(a)] [Verification]~~ of completion of:
 - ~~(a) [1.]~~ 240 hour institute for elementary or K-12 certification; or
 - ~~(b) [2.]~~ 180 hour institute for middle or high school certification.~~[-; and]~~
 - ~~[(b)] [Evidence of employment in a Kentucky school district or regionally or nationally accredited nonpublic school in the content area of the certification.]~~
- (4) A candidate shall be eligible for subsequent renewal of the temporary provisional certificate upon application to the EPSB, compliance with 16 KAR 2:010, Section 3(1), and recommendation~~[successful completion of the following requirements:]~~
 - ~~[(a)] [Evidence of employment in a Kentucky school district or regionally or nationally accredited nonpublic school in the content area or areas indicated on the initial certificate; and]~~
 - ~~[(b)] [Recommendation]~~ from the institute provider based on continued enrollment, completion of mentoring, and progress towards the completion of the program.
- ~~[(5)] [If a candidate is required to complete an internship in accordance with KRS 161.030, the candidate shall complete the required assessments as established in 16 KAR 6:010 prior to issuance of the final temporary provisional certificate and shall complete the internship during the final temporary provisional certificate.]~~

(5) ~~[(6)]~~ A candidate for exceptional children or interdisciplinary early childhood certification employed in a public school may only renew the temporary provisional certificate two (2) times.

(6) ~~[(7)]~~ All other candidates may renew the temporary provisional certificate four (4) times.

Section 8. Professional Certificate.

(1) Upon completion of all program requirements established in this administrative regulation, and successfully completing one (1) year of teaching, the applicant may apply for the professional certificate.

(2) Prior to issuance of the professional certificate, the candidate shall obtain a passing score on the requisite assessments~~[pedagogy assessment]~~, as established in 16 KAR 6:010, for the certificate being sought.

(3) Upon application to the EPSB, compliance with 16 KAR 2:010, Section 3(1), and verification that a candidate has met all eligibility requirements for certificate issuance, the EPSB shall issue the candidate a professional certificate.

Section 9. Incorporation by Reference.

(1) "Guidelines for Submitting an Application to Provide an Alternative Route to Certification Institute (Option 7)", 2024~~[2022]~~, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Education Professional Standards Board, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the Education Professional Standards Board's Web site at <http://www.epsb.ky.gov/course/view.php?id=2>.

JUSTIN MITCHELL, Board Chair

APPROVED BY AGENCY: June 4, 2024

FILED WITH LRC: July 8, 2024 at noon

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on September 23, 2024, at 10:00 a.m. in the State Board Room, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this meeting shall notify this agency in writing five working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Todd Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky, 40601, phone 502-564-4474, fax 502-564-9321; email regcomments@education.ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd Allen

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes the standards and procedures of the Option 7 institute route to certification.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary to set the standards and procedures for the Option 7 institute route to certification.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 161.028 requires the Education Professional Standards Board to establish standards and requirements for obtaining and maintaining a teaching certificate. KRS 161.048(8) creates the Option 7 alternative route to certification and KRS 161.048(1)(e) requires the Education Professional Standards Board to promulgate administrative regulations establishing standards and procedures for the alternative certification options.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation delineates the requirements for providing an Option 7 alternative route to certification program as well as the requirements for candidates of the route to obtain certification.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

The proposed amendment allows a candidate for the Option 7 route to be issued a temporary provisional certificate upon application the Education Professional Standards Board, proof of meeting the degree requirements, and enrollment in an approved institute. The amendment removes the requirement that applicants have an offer of employment, passing assessment scores, and completion of half of the institute hours before issuance of the initial certificate. Candidates must successfully complete one (1) year of teaching experience, have a recommendation from the employing school district, and pass the requisite assessments prior to issuance of the professional certificate.

(b) The necessity of the amendment to this administrative regulation:

This amendment is necessary to comply with the changes to KRS 161.048(8) from Senate Bill 265 of the 2024 Legislative Session.

(c) How the amendment conforms to the content of the authorizing statutes:

The amendment sets the requirements for issuance of certification under the Option 7 Institute Route to Teacher Certification. The amendment removes the requirements that candidates have a job offer, complete assessments, and complete half of the institute hours prior to issuance of the temporary provisional certificate. The amendment adds the requirement that candidates complete one (1) year of teaching experience and have a recommendation from the employing district prior to issuance of the professional certificate.

(d) How the amendment will assist in the effective administration of the statutes:

This amendment will assist in establishing the requirements for certification under the Option 7 Institute Route to Teacher Certification.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

171 Kentucky school districts, entities seeking approval to offer an Option 7 Institute, and those pursuing the Option 7 Institute Route to Teacher Certification.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

Applicants for the Option 7 route will only have to meet degree requirements and enrollment in an approved Option 7 institute for issuance of the temporary provisional certificate. They will no longer have to have an offer of employment, complete assessments, and complete half of the institute hours prior to issuance of the temporary provisional certificate. Candidates will have to obtain one (1) year of teaching experience and pass the assessments before applying for the professional certificates. Districts will no longer have to verify that candidates have an offer of employment but will have to provide a recommendation for those candidates that complete one (1) year of teaching experience.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

There is no fee established by the Education Professional Standards Board in this regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

Compliance will result in issuance of certification to eligible candidates.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

There are no costs expected to implement this amendment.

(b) On a continuing basis:

There are no expected continuing costs with this amendment.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

General Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

An increase in fees or funding will not be necessary for the Education Professional Standards Board to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

No fees are established or increased by this regulation.

(9) TIERING: Is tiering applied?

Tiering is not applicable to the requirements of this regulation because the standards apply to all teachers seeking certification through the Option 7 Institute Route to Teacher Certification and all entities seeking to provide an Option 7 Institute.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 161.020, KRS 161.028, KRS 161.030, KRS 161.048.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions:

The Education Professional Standards Board.

(a) Estimate the following for the first year:

Expenditures:No additional expenditures are expected to be needed since the systems and staff are already in place for processing applications and issuing certificates under the Option 7 route.

Revenues:The amendment to this administrative regulation is not expected to generate any revenue during the first year as this regulation does not create fees.

Cost Savings:No cost savings are expected with this amendment.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

Expenditures, revenues and cost savings are not expected to differ in subsequent years.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts):

Public-school districts.

(a) Estimate the following for the first year:

Expenditures:There are no expected expenditures for districts as there are no fees established in this regulation.

Revenues:This regulation sets the standards for certification under the Option 7 route to certification. It will not generate revenues for districts.

Cost Savings:There are no cost savings expected with this amendment.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

The expenditures, revenues and cost savings are not expected to differ in subsequent years.

(4) Identify additional regulated entities not listed in questions (2) or (3):

Applicants for certification under the Option 7 Institute Route to Teacher Certification and Option 7 Institute Providers.

(a) Estimate the following for the first year:

Expenditures:There are no expected expenditures for applicants or providers to comply with this amendment.

Revenues:This regulation sets the standards for certification under the Option 7 route. It will not generate revenue for applicants or providers.

Cost Savings:There is no expected cost savings since there are no fees created or reduced by this regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

The expenditures, revenues and cost savings are not expected to differ in subsequent years.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation:

There is no fiscal impact as a result of the proposed amendments to this regulation. No fees are established or increased in this regulation, and there are no fees for temporary provisional certificates. While processing applications and issuing certificates does require staff time and resources from the Education Professional Standards Board, the amendments can be carried out by the existing staff and systems.

(b) Methodology and resources used to determine the fiscal impact:

The methodology and resources used to determine that there is no fiscal impact, is looking to current systems and processes to see if additional expenditures or resources are needed to carry out the amendments. Since no additional expenditures or resources are needed to carry out the amendments, and there are no fees established or increased by this regulation, it was determined there is no fiscal impact.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate)

There is not an expected major economic impact from this regulation as it does not create additional costs for the Education Professional Standards Board or the regulated entities.

(b) The methodology and resources used to reach this conclusion:

The methodology and resources used to determine this is looking to current systems and processes to see if additional expenditures or resources are needed to carry out the amendments. Since no additional expenditures or resources are needed to carry out the amendments, and there are no fees established or increased by this regulation, there will not be a negative or adverse major economic impact.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate.

34 C.F.R. § 300.156 (c)(2) establishes standards for a teacher participating in an alternate route to special education certification program to meet personnel qualifications under the Individuals with Disabilities Education Act.

(2) State compliance standards.

The standards for Option 7 contained in this administrative regulation comply with the requirement in 34 C.F.R. § 300.156 (c)(2) because candidates using the alternative pathway to obtain special education certification will receive high-quality professional development, participate in a program of intensive supervision that consists of structured guidance and regular ongoing support, assume functions as a teacher only for a specified period not to exceed three years, and demonstrate satisfactory progress toward full certification.

(3) Minimum or uniform standards contained in the federal mandate.

34 C.F.R. § 300.156 (c)(2) requires teachers participating in an alternate route to special education certification program to receive high-quality professional development, participate in a program of intensive supervision that consists of structured guidance and regular ongoing support, assume functions as a teacher only for a specified period not to exceed three years, and demonstrate satisfactory progress toward full certification as prescribed by the State.

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate?

This regulation will not impose stricter requirements, or additional or different responsibilities or requirements. All candidates in the Option 7 alternative route to certification will receive high-quality professional development, participate in a program of intensive supervision that consists of structured guidance and regular ongoing support, and demonstrate satisfactory progress toward full certification. The regulation will limit temporary provisional certification for special education instructors to three years as required by the federal regulation.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements.

Not applicable.